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PART II—Section 3

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ELECTION COMMISSION, INDIA

NOTIFICATION

*New Delhi, the 14th April 1955*

**S.R.O. 838.**—In continuation of the Election Commission's notification No. 19/111/52-Elec. III/7923, dated the 28th May, 1953 published in the Gazette of India, Extraordinary, Part II, Section 3, dated the 10th June, 1953 (S.R.O. 1072), under Section 106 of the Representation of the People Act, 1951 (XLIII of 1951), the Election Commission hereby publishes the judgment of the Supreme Court delivered by it on the 22nd September, 1954 on an appeal filed before that Court by Shri Karnail Singh against the judgment and order of the Election Tribunal, Hissar, dated the 16th May, 1953 in election petition No. 111 of 1952.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 254 OF 1953

Karnail Singh—*Appellant*.

V.

Election Tribunal and others—*Respondents*.

JUDGMENT

*Mehr Chand Mahajan, C. J.*

The Tribunal in this case held that the nomination paper of Sher Singh was wrongly rejected on the ground that column No. 8 in the nomination form was not duly filled up. The only defect pointed out was that the name of the subdivision was not stated therein, but on the evidence it was quite clear that there was no difficulty in identifying the candidate and the candidate himself pointed out to the Returning Officer the entry of his name in the electoral roll. The defect, in these circumstances, was a technical one and the Tribunal was perfectly right in holding that the defect was not of a substantial character and that the nomination paper should not have been rejected. The majority of the Tribunal, in these circumstances, were justified in their conclusion that the result of the election was affected by this wrong rejection of the nomination paper.

Mr. Chatterjee for the appellant has not been able to persuade us to take a contrary view.

The result, therefore, is that this appeal fails and is dismissed with costs.

(Sd.) MEHR CHAND MAHAJAN, C. J.

(Sd.) B. K. MUKHERJEA, J.

(Sd.) S. R. DAS, J.

(Sd.) VIVIAN BOSE, J.

(Sd.) GHULAM HASAN, J.

NEW DELHI;

*The 22nd September, 1954.*

[No. 19/111/52-Elec. III/4718.]

By order,

K. S. RAJAGOPALAN, Asstt. Secy.